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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER AGUILERA ROSAS,

Defendant.

CASE NO. 2:24-CR-00237-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 25, 2024
TIME: 10 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 25, 2024.
2. By this stipulation, defendant now moves to continue the status conference until **February 10, 2025 at 10:00 a.m.**, and to exclude time between November 25, 2024, and February 10, 2025, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented the discovery associated with this case includes investigative reports and related documents in electronic form, including 100s of pages of documents. All of this discovery has been produced directly to counsel.
 - b) Additional discovery regarding a recent phone extract is in the process of being

1 produced directly to counsel.

2 c) Counsel for defendant desires additional time to consult with his client, review the
3 current charges, conduct investigation and research related to the charges, review discovery for
4 this matter, discuss potential resolutions with his client, and otherwise prepare for trial.

5 d) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of November 25, 2024 to February
14 10, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
15 Code T4] because it results from a continuance granted by the Court at defendant's request on
16 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
17 best interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22
23
24 Dated: November 20, 2024

PHILLIP A. TALBERT
United States Attorney

25
26 /s/ NICOLE MOODY
NICOLE MOODY
27 Special Assistant United States
Attorney
28

1 Dated: November 20, 2024

/s/ MICHAEL HEUMANN

MICHAEL HEUMANN

Counsel for Defendant

Javier Aguilera Rosas

6 **ORDER**

7 IT IS SO FOUND AND ORDERED.

8 Dated: November 20, 2024



9 WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE